

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

Plaintiff,

v.

CARMELITA SEAY,

Defendant.

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CASE NO. 1:14-CR-00214-25

OPINION & ORDER
[Resolving Doc. Nos. [844](#), [845](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Carmelita Seay has filed a motion to reduce her term of imprisonment under Amendment 782 to the Sentencing Guidelines.^{1/} Defendant Seay has also filed a motion for compassionate release.^{2/} For the following reasons, the Court **DENIES** the Defendant's motions.

On November 21, 2014, Defendant Seay pled guilty to conspiracy to distribute and possess with the intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(c), and 846.^{3/} The Court sentenced Seay on March 5, 2015 to 30 months of imprisonment.^{4/} Seay now seeks a reduction of this sentence, stating that under Amendment 782, her base offense level should be lowered by two levels.

Amendment 782 to the Sentencing Guidelines lowered the base offense level courts use in calculating a Guidelines range. It went into effect November 1, 2014.^{5/} Because Seay was sentenced after November 1, 2014, Amendment 782 was already applied to her sentence calculation.

^{1/}Doc. [844](#). The government opposes. Doc. [852](#).

^{2/}Doc. [845](#).

^{3/}Doc. [406](#).

^{4/}Doc. [589](#).

^{5/}Doc. [852](#).

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She can seek no further reduction under Amendment 782.

Defendant Seay also seeks a compassionate release because of her sister's terminal illness. However, Defendants apply to the Bureau of Prisons, not the sentencing court, for a compassionate release.^{6/}

For the foregoing reasons, the Court **DENIES** Seay's motions.

IT IS SO ORDERED

Dated: January 14 , 2015

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{6/}See [Crowe v. United States, 430 F. App'x 484 \(6th Cir. 2011\)](#).